



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICANT : JACKOWSKI et al.

INVENTION: : Biopolymer Marker Indicative Of Disease State Having A Molecular Weight Of 1406 Daltons

SERIAL NUMBER : 09/846,347

FILING DATE : April 30, 2001

EXAMINER: : Cheu, C. Jacob

GROUP ART UNIT : 1641

ATTORNEY DOCKET NO. : 2132.032

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CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 on 9-8-2003

To: Mail Stop: Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 CFR § 1.132**

I, Ferris H. Lander, do hereby declare as follows:

1. I am a registered Patent Agent and am authorized to represent the inventor's and assignee in the application entitled **"Biopolymer Marker Indicative Of Disease State Having A Molecular Weight Of 1406 Daltons"**, having U.S. Application Serial No. 09/846,347, filed April 30, 2001.

2. In order to provide data which would obviate any rejection/objection regarding completeness of the disclosure, I contacted Dr. George Jackowski, Chairman and Chief Science Officer

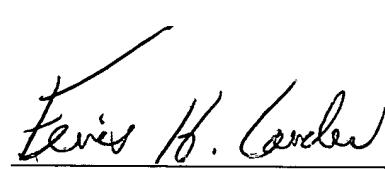
of Syn-x Pharma Inc., and asked to be provided with evidence of the absence of the 1406 dalton marker (amino acid residues 2-13 of SEQ ID NO:1) in normal human sera.

3. This declaration (including the attached figure) is provided in order to show a comparison of the indicated disease marker (the 1406 dalton marker; amino acid residues 2-13 of SEQ ID NO:1) to a normal/control group, so as to evidence that the marker is not present in normal human sera.

The attached figure, obtained from Dr. Jackowski, provides side-by-side profiles (obtained using techniques of mass spectrometry) of normal human sera versus sera from congestive heart failure patients. This profile comparison clearly evidences the absence of the 1406 dalton marker (amino acid residues 2-13 of SEQ ID NO:1) in normal human sera. The attached figure was derived from data collected in the original experiments and does not represent new and/or further experimentation.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

9/8/2003  
Date

  
Ferris H. Lander  
Reg. No. 43,377

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